IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Appeal No. 383 of 2004
With
Criminal Application No.464 of 2007

State of Maharashtra — Appellant
Vs.
Tanaji Bhagvan Ghorpade — Respondent

Mr.P.A.Pol, APP for appellant - State.
Mr.Vikas Mali for respondent - accused no.2.

CORAM: B.H.MARLAPALLE, J.

September 18, 2007.

P.C.

. This is an appeal filed under Section 378(1) of Cr.P.C. by the State against the order of acquittal passed by the learned Judicial Magistrate, First Class at Deorukh thereby acquitting the accused no.2 under Section 411 of IPC in Regular Criminal Case No.6 of 2003.

. Admittedly the accused no.1 has been convicted in the said case and his appeal is pending before the Sessions Court against the order of conviction and sentence. At the same time the original complainant had also filed an application for return of property which was rejected by the learned Judicial Magistrate, First Class and an appeal against the

said order by the complainant being Criminal Appeal No.2 of 2004 is also pending before the Sessions Court.

. As per the amended scheme of Section 378(1) of Cr.P.C., this appeal can be now heard and decided by the Sessions Court and, therefore, the Registrar (Judicial) is directed to transfer this appeal along with Criminal Application No.464 of 2007 to the Sessions Court at Ratnagiri.

(B.H.MARL